

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

In re Ethicon, Inc. Pelvic Repair System
Products Liability Litigation

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF TIM GOSS FOR APPOINTMENT TO THE
PLAINTIFFS' STEERING COMMITTEE**

In accordance with paragraph 19 of Pretrial Order No. 1, the undersigned makes this Application to the Plaintiffs' Steering Committee as follows:

1. I am a founding partner in the law firm of Freese & Goss, PLLC in Dallas, Texas. Freese & Goss has offices in Dallas, Texas; Jackson, Mississippi; and Birmingham, Alabama. I am a trial lawyer with extensive experience in representing clients in mass tort litigation, including predominately pharmaceutical and medical device litigation.
2. Freese & Goss has invested and continues to invest substantial resources on behalf of its clients for the pelvic repair systems product liability litigation (the "Litigation"). We represent almost 3,500 clients in the Litigation and continue to receive cases. Together with associated counsel we have 19 attorneys and have dedicated at least 6 of these attorneys and numerous staff full time to the Litigation. We are currently counsel in 56 filed cases against all 4 major manufacturers, including cases in state courts in Minnesota (AMS), Massachusetts (Boston Scientific), New Jersey (J&J), Texas (AMS), Delaware (AMS) and in all four MDL proceedings. I am co-counsel in a case pending against AMS in state court in Houston, Texas, which has a preferential trial setting for February 2013. Freese & Goss has retained its own experts to assist in the trial preparation of that case and in the immediate review of other cases and their trial

preparation. It has dedicated substantial resources to this project and intends to continue to do so in the future.

3. I will bring substantial pharmaceutical and device litigation experience to the Litigation. I have represented and continue to represent clients in virtually all major pharmaceutical MDL proceedings, including Fen-Phen, Rezulin, PPA, Vioxx, Trasylol, Celebrex, Bextra, Zyprexa, and Zoloft. Freese & Goss has represented and continues to represent clients in numerous medical device MDL proceedings, including Depuy ASR Hip and Depuy Pinnacle Hip Litigation and has resolved cases in both the Guidant and Medtronic defibrillator MDL proceedings. Additionally, Freese & Goss is on the steering committee for the Zimmer knee litigation. Most recently, I resolved mass tort cases for over 3,000 Seroquel clients, over 3,200 PCB clients, and over 500 Avandia clients. Freese & Goss is currently retained by the State of Mississippi to recover payments made by the State for Vioxx and Vioxx related injuries. I have resolved cases for pharmaceutical and device clients approaching one billion dollars. I have tried pharmaceutical cases to verdict, including a Fen-Phen case in Mississippi for 5 plaintiffs who received a \$150 million jury verdict and a wrongful death Rezulin case in Texas that resulted in a \$30 million dollar jury verdict. I have served on the Third Party Payor steering committee in the Vioxx MDL. If honored with selection to the Plaintiffs' Steering Committee, I believe my most significant contribution would be in the briefing and motion practice. In my career, I have briefed and argued every aspect of pharmaceutical cases, including Daubert briefs, motions in limine, discovery disputes, trial briefs, motions for judgment, federal and state court appellate briefs, and dispositive motions. Most recently, as a member of the briefing committee in the Trasylol MDL, I was responsible for a substantial part of the motion and briefing practice, including the briefing of Daubert challenges relating to virtually every expert, as well as most

other trial and discovery related motions. My firm and I are uniquely qualified in this role, and I hope to play a similar part in the Litigation. Additionally, I have been class counsel in over 20 class actions around the country having been approved as lead class counsel by both state and federal courts. Through all these efforts, I have worked successfully with judges and attorneys, have become thoroughly familiar with the duties and responsibilities of counsel in complex litigation and mass torts, and have gained a unique understanding of the Manual for Complex Litigation.

4. I am a 1983 graduate of Baylor Law School where I served on the Baylor Law Review and was graduated first in my class. I was first licensed to practice law in 1986, and am admitted to practice in the States of Texas, Pennsylvania and New York. I have been recognized by my peers for excellence and high ethical conduct in the practice of law and as a trial lawyer. I am AV rated by Martindale Hubbell and am a member of the American Association for Justice, American Bar Association, Dallas Bar Association and the Texas Trial Lawyers Association. I am currently involved in litigation with a substantial number of the attorneys seeking appointment to the Plaintiffs' Steering Committee. My firm routinely shares information, experts, and knowledge with these firms and has the resources, willingness, and availability to dedicate to this important litigation. I have reviewed the Proposed Counsel Structure Plan filed with the Court for MDL's 2325, 2326 and 2327 on March 19, 2012, and join in the recommendation to the Court that the plan be accepted.

Respectfully submitted this 28th day of March, 2012.

/s/ Tim K. Goss
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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